

## CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date: August 12, 1974, by Pltf.

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS					
<p>National Bank of Tulsa, A National Banking Association,  Plaintiff,</p> <p>vs.</p> <p><del>Kineaid Industries, Inc., A Pennsylvania Corporation; Bollinger Corporation, A Pennsylvania Corporation; Morton J. Greene, Thomas R. Allen, Jr. and Anne S. Greene,</del></p> <p>Defendants. AND 3rd Pty. Pltfs.</p> <p>vs.</p> <p>Thomas Helton, Lorna F. Helton, Luther M. McMath, Joyce M. McMath, F. E. Brady, Ronald L. Foshee and Virginia L. Foshee</p> <p>3rd Pty. Defts.</p> <p><i>3-27 Case still pending to 3rd Pty. Defts. 3rd Pty. Defts.</i></p>		<p>For plaintiff:</p> <p>R. L. Davidson, Jr. 900 Sooner Federal Building Tulsa, Oklahoma 74103 (918-583-2131)</p> <p>For defendant: Irvine Ungerman (all defts) Hawley C. Kerr / (Anne S. Greene) Ungerman, Grabel &amp; Ungerman Sixth Floor, Wright Bldg. Tulsa, OK 74103</p> <p>Marion M. Dyer (3rd pty defs.) 340 Ct. Arcade Bldg. Tulsa 74103 (582-5207)</p>					
STATISTICAL RECORD	COSTS		DATE	NAME OR RECEIPT NO.	REC.	DISB.	
J.S. 5 mailed 9-1-74	Clerk		8-12-74	Davidson	15.00		
			8-15-74	C/D #8		15	00
J.S. 6 mailed 4-1-76	Marshal						
Basis of Action: Money Judgment - Breach of Contract.	Docket fee Witness fees						
Action arose at: City of Tulsa County of Tulsa, State of Oklahoma.	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
8-12-74	1. Complaint filed and summons issued. <u>Jury Trial Demanded.</u> v	
8-27-74	U. S. MARSHALS Service Returned and filed. Executed by serving Complaint on Thomas R. Allen, Jr., 8-15-74 at Sewickley, Pa. and Kincaid Ind., 8-19-74 at Mt. Lebanon; Bollinger Corp., 8-19-74 at Ambridge, Pa.; and Morton and Anne Greene, 8-19-74 at Pittsburgh, Pa. (USM \$29.99)jj	
9-13-74	2. Special appearance of the deft., Anne S. Greene, & Motions to quash summons & to dismiss for lack of personal jurisdiction, filed. k	
9-13-74	3. Brief in support of the mots. of the deft. Anne S. Greene to quash service of summons upon her and to dismiss the above action as to her for lack of personal jurisdiction over her, filed. k	
9-17-74	4. Applic. for an ext. of time within which to plead or answer, filed.hm	
9-17-74	5. Order extending time within which to plead or answer, filed, granting defts. Kincaid Ind., Bollinger Corp., Morton Greene & Allen until 10-4-74 to plead or answer. (LB-J)hm (copies mailed)	
10-11-74	6. ANSWER and 3rd Pty. Complaint of the Dfts. and 3rd Pty. Pltfs., Kincaid Ind., Inc., Bollinger Corp., Morton Greene and Thomas R. Allen, Jr., filed. jj <i>summons issued</i> w/Order, filed, granting leave to file the above. (LB-J)	
10-15-75	Return on U.S. Marshals service, summons & complaint, filed. Served Luther M. McMath by serving Joyce McMath, wife, at Broken Arrow, OK, on 10-11-74 w/ fees of \$11.52; served Joyce McMath at Broken Arrow, OK on 10-11-74 w/ fees of \$3.00; served Lorna F. Helton & Thomas Helton by serving Lorna at Broken Arrow, OK, on 10-11-74 w/ fees of \$6.00; served F. E. Brady at Tulsa, OK, on 10-11-74 w/ fees of \$4.08; served Ronald L. Foshee at Tulsa, OK, on 10-11-74, w/ fees of \$3.00; served Virginia L. Foshee at Tulsa, OK by serving Ronald Foshee, husband, on 10-11-74 w/ fees of \$3.00.k	
10-31-74	7. Appl. of 3rd pty. defs., for ext. of time to plead or ans. 3rd party complaint, filed. rm <i>01/7</i>	
11-4-74	8. Order for enlargement of time, filed, granting third-party defts. 30 days from this date to further plead. (LB-J)hm (copies mailed)	
12-2-74	9. ANSWER AND COUNTERCLAIM of third-party defts., Thos. Helton, Lorna F. Helton, Luther M. McMath, Joyce M. McMath, F. E. Brady, Ronald L. Foshe and Virginia L. Foshee, filed. lm	
12-5-74	10. Reply and Answer of 3rd Pty Pltfs. to the Ans. and Counter Claim of 3rd Pty. Defts., filed.jj	
12-16-74	Case called for hearing on motion of deft. Anne S. Greene to quash summons and to dismiss for lack of personal jurisdiction. Statements made. Pltf. given 5 days to file brief and deft. answer brief 5 days thereafter. Court to enter order ruling on motion after briefs filed. (LB-J)hm	

D. C. 110A Rev. Civil Docket Continuation

9

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-24-74	11. Response to Special Appearance of Deft. Anne S. Greene and Her Motion to Quash Service of Summons and to Dismiss for Lack of Personal Jurisdiction, filed. lm	
12-24-74	12. BRIEF in Support of Response to Special Appearance of Anne S. Greene and Her Motion to Quash and to Dismiss for Lack of Jurisdiction, filed. lm	
1-8-75	13. Reply of deft. Anne S. Greene, to pltf's reponse & Pltf's Brief in opposition to said deft's mots. to Quash & to Dismiss for lack of Jurisdiction, filed.k	
1-8-75	14. Order filed, transferring case to Judge Cook. (LB-J) ds	
3-17-75	15. Transcript of Proceedings Re Deft. Anne S. Greene Motion to Quash Summons and to Dismiss, filed. mm	
3-27-75	16. Stipulation for dismissal, filed. hm	
3-27-75	17. Order of dismissal, filed and entered, that/pltf's action is dismissed against defts. Kincaid Industries, Inc. & Bollinger Corp. without prejudice; that pltf's action is dismissed against defts. Greene, Allen & Greene without prejudice; that third party complaint & cause of action of defts. Kincaid, et al is dismissed with prejudice as to third party defts. Brady, Foshee & Foshee; that cross-complaint & cause of action of third party defts. Brady, Foshee & Foshee is dismissed with prejudice against third party pltf's; each party to bear their own costs, including attys' fees. (HDC-J) (copies mailed)	
8-18-75	MO: Case set for disposition 8-26-75 at 10:00 a.m. (HDC-J)hm	
8-26-75	MO: Case called for disposition. Parties represented. Upon request of Mr. Ungerman, case set for non-jury trial 9-23-75 at 10:00 a.m. Pretrial order to be filed by 9-16-75. (HDC-J)hm	
9-19-75	18. Appl. of 3rd party pltf's. for continuance of non-jury trial, filed. rm	
9-22-75	19. Order striking case from present assignment, filed, striking case from setting on 9-23-75, to be reset by the Court. (HDC-J)hm (copies mailed)	
10-20-75	20. Pre-trial order, filed. (HDC-J)hm	
11-26-75	MO: Case set for N/J trial 2-25-76 at 10:00 a.m.; trial briefs due on or before 2-4-76. (HDC-J)hm	
2-4	21. Third party pltf's trial brief, filed. hm	
2-5	22. Third party defts' trial brief, filed. ph	
2-25	MO: Case tried to the Court Feb. 25 & 26. Parties announce ready. Third party pltf. presents case in chief w/test. of witnesses. Third party pltf's and third party deft's exhibits admitted. Third party pltf. rests. Third party deft. makes opening statement. Third party deft. presents case in chief w/test. of witnesses and rests. On Feb. 26, upon statements by counsel that settlement negotiations have been entered into, case continued and parties	

DATE	PROCEEDINGS	Date Order or Judgment Noted
2-26-76	to submit joint applic. to dismiss w/final order on 3-12-76 at 9:30 a.m. Pltf. granted leave to withdraw original exhibits and substitute copies. (HDC-J)hm Trial exhibits, filed. hm	
3-15	23. Joint appl. for dismissal of proceedings, fld. v	
3-15	24. Order dismissing 3rd party pltfs.' causes of action & 3rd party defts.' counter-claim w/prejudice, filed. v -cps. mld.	
3-15	25. Settlement agreement, filed. v	
4-5	26. Appl. for lve. to w/draw exhibits, fld. by Defts./3rd Party Pltfs. & the 3rd Party Defts. v (o)	
4-6	27 Order, filed, directing Clerk to return exhibits. (HDC-J)g	
4-7	-- Mr. Ungerman's Office picked up said exhibits on this date. v	